

Y-W



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,632	07/12/2000	Billy Wesley Beyers	RCA 88,318	2121
24498	7590	02/07/2005	EXAMINER	
THOMSON LICENSING INC. PATENT OPERATIONS PO BOX 5312 PRINCETON, NJ 08543-5312			WONG, ALLEN C	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/614,632

Applicant(s)

BEYERS ET AL.

Examiner

Allen Wong

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 15, 16 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 15, 16 and 19-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/26/04 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1-12, 15-16 and 19-20 have been read and considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claim 7 has been objected to for minor informalities: at the end of claim 7, after the term "respectively", there should be a period, and ";and" should be removed. Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-11, 15, 19 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demos (5,852,565) in view of Yim (6,337,716).

Regarding claims 1-5, 7-11, 15, 19 and 21-24, Demos discloses a method and apparatus for encoding video signals, comprising:

a remapper for receiving a progressive video bitstream comprising reference frames and non-reference frames (fig.3, note a video bitstream comprises of the reference frames of I and P frames, and the non-reference frames, B frames), each having an initial temporal reference in accordance with an initial frame sequence structure (fig.3, note each of the frames has a temporal reference within an initial frame sequence), the reference frames excluding any B frames (fig.3, the reference frames are the I and P frames), and for remapping only the temporal references of the reference frames while ignoring the non-reference frames to provide backwards compatibility of the reference frames for a subsequent decoding process despite a presence of the non-reference frames (see fig.3 and col.8, ln.6-9; Demos discloses that the 36 Hz decoder can decode the reference frames without taking the non-reference B frames into account, thus, non-reference frames are ignored while the reference frames are remapped so that the frames can be efficiently decoded by reducing the bandwidth requirements necessary for fast, accurate image data decoding by backwardly reconstructing the image frames for viewing);

a transport packetizer for packetizing the reference frames with a base packet-identifier (PID) and the non-reference frames with an enhancement PID, to provide base and enhancement transport bitstreams, respectively (col.9, ln.31-36; Demos discloses the packetization of two MPEG-2 PIDs, where one PID contains the base layer transport bitstream and the other PID contains the enhancement layer transport bitstream).

Although Demos does not specifically disclose the use of an MP@ML decoder to provide an MP@ML decoded video bitstream. However, Yim teaches the use of MP@ML decoders for display on standard definition television ("SDTV") systems (col.1, ln.14-22). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Demos and Yim, as a whole, for obtaining the step of extracting the and decoding, with an MP@ML decoder, only packets having the base PID, to provide an MP@ML decoded video bitstream, so as to conveniently view images in the standard definition television format at different rates (Yim col.1, ln.63-67).

Claims 6, 12, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demos (5,852,565) and Yim (6,337,716), as applied to claims 1, 5, 7 and 11 above, and further in view of Michener (6,323,909).

Demos does not specifically disclose wherein each PID is a service channel identifier (SCID). However, Michener teaches that a PID is a service channel identifier (col.1, ln.53-55). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate Michener's teaching into the combination of Haskell and Demos for efficiently encoding and transmitting standard and high definition programming using digital satellite system and MPEG-2 so as to reduce massive infrastructure and complexity, and to reduce costs (col.1, ln.62-64 and col.2, ln.24-26).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (703) 306-5978. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm.

Art Unit: 2613

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Allen Wong
Examiner
Art Unit 2613

AW
2/3/05